



Atty. Dkt. No. 041673/2047

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tuszynski, et al.

Title: METHODS FOR MODULATION
OF THE EFFECTS OF AGING ON
THE PRIMATE BRAIN

Appl. No.: 09/730,790

Filing Date: 12/05/2000

Examiner: Not Yet Assigned

Art Unit: 1633

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| <p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.</p> <p><u>Germaine Sarda</u> (Printed Name)</p> <p><u>Germaine Sarda</u> (Signature)</p> <p><u>April 16, 2001</u> (Date of Deposit)</p> |
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PRELIMINARY AMENDMENT IN RESPONSE TO NOTICE OF MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed on February 14, 2001, in the above-identified application, please amend the application prior to examination as indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please amend the application as follows:

IN THE DRAWINGS:

Cancel Figures 1, 2, 3(a) through (c), 5 and 6. *Substitute drawings* including only Figure 3(d) and Figure 4 as separate drawing sheets are enclosed.

IN THE SPECIFICATION:

NOTE: Marked up and clean substitute pages reflecting each amendment are enclosed.

The amendments to be made are:

At page 2, line 16, delete "factordelivered" and replace it with --factors delivered--.

Delete the "Brief Description of Drawings" contained at pages 3 and 4. Substitute pages reflecting the amendments to this section are submitted herewith; Figure 3(d) is renumbered as --Figure 1--, and Figure 4 is renumbered as --Figure 2--. The Legend to the Figures set forth at page 4, lines 13-17 is amended to reflect the deletion of Figure 2; i.e., the Legend for the "#" element is deleted.

At page 5, line 20, delete "; Fig.3C".

At page 5, line 21, delete "(Fig. 4)".

At page 6, line 8, delete "(Figs. 3B and 3D)".

At page 6, line 17, delete "; Fig. 3A and 3D".

At page 7, line 4, delete "(Fig. 4)".

At page 9, line 12, add ---Accession No. X52599; locus---before "HSBNGFAC".

At page 9, line **16 through line 18**, delete the sentence beginning "Exemplary reprints".

At page 18, line 26, delete "(see Fig.2)".

At page 19, line 14, delete "; Fig. 3".

At page 19, line 16, delete "; Fig. 3".

At page 19, line 18, delete "(Fig. 4)".

At page 19, line 20, delete "(Fig. 4)".

At page 19, line 27 to line 28, delete "(Figs. 3, 4)".

At page 19, line 30, delete "; Fig. 3D".

At page 20, line 3, delete "; Fig. 4".

REMARKS

In the Notice of Missing Parts, the drawings are objected to for informalities. Certain of the drawings are comprised of photocopied photographs (Figures 1, 2, 3(a)-(c)), while others are reprints of nucleotide sequences (Figures 5 and 6).

Figures 1, 2 and 3(a)-(c) are visual representations of the results of experiments. Each experiment, and the results data obtained therefrom, are described in detail within the Specification (see, e.g., as to Figure 1, Example VI; as to Figure 2, Example IV; and as to Figure 3(a) through 3(c), Examples IV and V). Therefore, no change in subject matter or reduction in disclosure is introduced through deletion of Figures 1 through 3(c) from the application.

Figures 5 and 6 are merely representative nucleotide sequences which code for, respectively, a neurotrophic factor and a nerve growth factor that are useful in the invention. The sequences depicted in the Figures are publicly available through GENBANK, via Accession Numbers which are provided in the Specification at page 9, lines 10-19. Neither Figure is necessary to enablement of the claims to the invention.

Applicants note that, for ease of reference, an alternative accession number for the sequence of Figure 6 is added by amendment to page 9 (X52599). That number was included at the top of Figure 6, and was therefore present in the application on filing such that no new subject matter is added to the application by transfer of the accession number from the drawing to the detailed description.

In addition, this Amendment corrects an obvious typographical error at page 2, where the word "factor" runs into the following word "delivered", and the plural "s" at the end of the word "factor" is missing. No new subject matter is introduced by the correction of this error.

Based on the foregoing, Applicants submit that entry of the proposed amendments is appropriate, and constitutes a full response to the objections to informalities in the drawings set forth in the Notice of Missing Parts.

If there are any questions or comments concerning this Preliminary Amendment, the Examiner is invited to contact the undersigned.

Respectfully submitted,

Date 4-16-01

By Stacy L. Taylor

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